

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred House Bill No. 1141, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 33-33-15-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) There ~~is~~ **are**
5 established ~~a court~~ **two (2) courts** of record to be known as the:
6 **(1) Dearborn superior court No. 1; and**
7 **(2) Dearborn superior court No. 2.**
8 (b) ~~The Each~~ Dearborn superior court is a standard superior court
9 as described in IC 33-29-1.
10 (c) Dearborn County comprises the judicial district of ~~the each~~
11 superior court.
12 SECTION 2. IC 33-33-15-3 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. ~~The Each~~ Dearborn
14 superior court has one (1) judge who shall hold sessions in:
15 **(1) the Dearborn County courthouse in Lawrenceburg; or in**
16 **(2) other places in the county as the Dearborn County executive**
17 may provide.
18 SECTION 3. IC 33-33-15-4 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. In addition to a
20 bailiff and an official court reporter for the court appointed under
21 IC 33-29-1-5, ~~the each~~ judge may appoint a referee, a commissioner,

or other personnel as the judge considers necessary to facilitate and transact the business of the court. The salary of a referee, a commissioner, or other person:

(1) shall be fixed in the same manner as the salaries of the personnel for the Dearborn circuit court; and

(2) shall be paid monthly out of the treasury of Dearborn County as provided by law.

Personnel appointed under this section or IC 33-29-1-5 continue in office until removed by the judge of the court **for which the personnel were appointed.**

SECTION 4. IC 33-33-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Except as provided in subsection (b), ~~the~~ **each** Dearborn superior court has the same jurisdiction as the Dearborn circuit court.

(b) The Dearborn circuit court has exclusive juvenile jurisdiction.

SECTION 5. IC 33-33-15-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. ~~The~~ **Each** Dearborn superior court has a standard small claims and misdemeanor division.

SECTION 6. IC 33-33-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) There ~~is~~ **are** established ~~a court~~ **two (2) courts** of record to be known as the DeKalb superior court **No. 1 and the DeKalb superior court No. 2.**

(b) ~~The~~ **Each** DeKalb superior court is a standard superior court as described in IC 33-29-1.

(c) DeKalb County comprises the judicial district of ~~the~~ **each** superior court.

SECTION 7. IC 33-33-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. ~~The~~ **Each** DeKalb superior court has one (1) judge who shall hold sessions in:

(1) the DeKalb County courthouse in Auburn; or

(2) other places in the county as the board of county commissioners of DeKalb County may provide.

SECTION 8. IC 33-33-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) If:

(1) the clerk of the circuit court of DeKalb County receives the transcript of the original papers in a civil action or proceeding received by the clerk of the circuit and superior courts of DeKalb County on a change of venue from another county; contains and

1 **(2) the papers described in subdivision (1) contain** an order of
 2 the court from which venue was changed designating the circuit
 3 court or **one (1) of the superior court courts** as the court to which
 4 the case is to be transferred;
 5 the clerk shall file the action or proceeding on the docket of the
 6 designated court.

7 (b) If:

8 **(1) the clerk of the circuit court of DeKalb County receives** the
 9 transcript of the original papers in a civil action or proceeding
 10 **does on a change of venue from another county; and**
 11 **(2) the papers described in subdivision (1) do** not contain an
 12 order designating the court to which the case is to be transferred;
 13 the clerk shall alternately file each action or proceeding on the docket
 14 of the circuit court **and or** the docket of **one (1) of the superior court;**
 15 **courts,** depending on the order and sequence in which the papers of the
 16 cases reach the clerk, so that if the first case is assigned to the circuit
 17 court, the next must be assigned to the superior court **No. 1, and the**
 18 **next must be assigned to the superior court No. 2.**

19 SECTION 9. IC 33-33-17-6 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. ~~The Each~~ DeKalb
 21 superior court has the same jurisdiction as the DeKalb circuit court.

22 SECTION 10. IC 33-33-17-7 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. ~~The Each~~ DeKalb
 24 superior court has a standard small claims and misdemeanor division.

25 SECTION 11. IC 33-33-29-2 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) There are
 27 established ~~five (5)~~ **six (6)** superior courts of record to be known as the:

- 28 **(1) Hamilton superior court No. 1; the**
- 29 **(2) Hamilton superior court No. 2; the**
- 30 **(3) Hamilton superior court No. 3; the**
- 31 **(4) Hamilton superior court No. 4; and the**
- 32 **(5) Hamilton superior court No. 5; and**
- 33 **(6) Hamilton superior court No. 6.**

34 (b) Except as otherwise provided in this chapter, each Hamilton
 35 superior court is a standard superior court as described in IC 33-29-1.

36 (c) Hamilton County constitutes the judicial district of each court.

37 SECTION 12. IC 33-33-29-8 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. The:

1 **(1) Hamilton superior court No. 4; and the**
 2 **(2) Hamilton superior court No. 5; and**
 3 **(3) Hamilton superior court No. 6;**
 4 **each** have a standard small claims and misdemeanor division.

5 SECTION 13. IC 33-33-32-2 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) There are
 7 established ~~three (3)~~ **five (5)** superior courts of record to be known as:

- 8 **(1) Hendricks superior court No. 1;**
 9 **(2) Hendricks superior court No. 2; and**
 10 **(3) Hendricks superior court No. 3;**
 11 **(4) Hendricks superior court No. 4; and**
 12 **(5) Hendricks superior court No. 5.**

13 (b) Except as otherwise provided in this chapter, each Hendricks
 14 superior court is a standard superior court as described in IC 33-29-1.

15 (c) Hendricks County comprises the judicial district of each court.

16 SECTION 14. IC 33-33-32-5 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Change of venue
 18 from the judge or from the county may be had under the same terms,
 19 conditions, and procedure applicable to changes of venue from the
 20 judge or the county in circuit courts.

21 (b) If a cause is received by the clerk of the Hendricks circuit court
 22 on change of venue from another county, the cause shall be docketed
 23 on a rotating basis and assigned alternately to the:

- 24 **(1) Hendricks circuit court;**
 25 **(2) Hendricks superior court No. 1;**
 26 **(3) Hendricks superior court No. 2; and**
 27 **(4) Hendricks superior court No. 3;**
 28 **(5) Hendricks superior court No. 4; and**
 29 **(6) Hendricks superior court No. 5;**

30 unless otherwise provided in the order or entry made in ~~such the~~ cause
 31 in the county from which ~~such the~~ change of venue was taken, in which
 32 case it shall be docketed as provided in the entry or order.

33 SECTION 15. IC 33-33-34-3 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. **(a)** There ~~is~~ **are**
 35 established ~~a court~~ **four (4) superior courts** of record to be known as
 36 the Howard superior court ~~The court consists of two (2) judges each of~~
 37 whom holds office for six ~~(6) years and until the judge's successor is~~
 38 elected and qualified: **No. 1, the Howard superior court No. 2, the**

Howard superior court No. 3, and the Howard superior court No. 4.

(b) Except as otherwise provided in this chapter, each Howard superior court is a standard superior court, as described in IC 33-29-1.

(c) Howard county comprises the judicial circuit of each court.

SECTION 16. IC 33-33-34-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. ~~(a) The Each~~ Howard superior court **has one (1) judge, who** shall hold its sessions in:

(1) the Howard County courthouse in Kokomo; or

(2) another convenient and suitable place as the board of county commissioners of Howard County provides.

~~(b) The board of county commissioners shall provide and maintain a suitable and convenient courtroom for the holding of the court, with a suitable and convenient jury room and offices for the judge and the official court reporter, and the county council shall meet and appropriate all necessary funds.~~

SECTION 17. IC 33-33-34-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. The judges of the superior court

~~(1) may make and adopt rules and regulations for conducting the business of the court.~~

~~(2) has all the powers in relation to the attendance of witnesses; the punishment of contempts; and the enforcement of its orders; and~~

~~(3) may administer oaths; solemnize marriages; take and certify acknowledgement of deeds; and give all necessary certificates for the authentication of the records and proceedings in the court.~~

SECTION 18. IC 33-33-34-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 19. The Howard superior court No. 3 has a standard small claims and misdemeanor division.**

SECTION 19. IC 33-33-48-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 7.5. (a) The judges of the Madison superior court may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the superior court.**

1 **(b) The magistrate continues in office until removed by the**
 2 **judges of the superior court."**

3 Page 2, line 3, delete "IC 33-33-54-5" and insert "IC 33-33-54-6".

4 Page 2, line 5, delete "Sec. 5." and insert "**Sec. 6.**".

5 Page 2, between lines 7 and 8, begin a new paragraph and insert:

6 "SECTION 24. IC 33-33-84-3 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. There is established
 8 a court of record to be known as the Vigo superior court. The superior
 9 court has ~~four (4)~~ **five (5)** judges who shall hold their office for six (6)
 10 years and until their successors have been elected and qualified.

11 SECTION 25. THE FOLLOWING ARE REPEALED
 12 [EFFECTIVE JULY 1, 2005]: IC 33-33-17-5; IC 33-33-34-1;
 13 IC 33-33-34-4; IC 33-33-34-5; IC 33-33-34-8; IC 33-33-34-9;
 14 IC 33-33-34-10; IC 33-33-34-11; IC 33-33-34-15; IC 33-33-34-16;
 15 IC 33-33-34-17; IC 33-33-34.3.

16 SECTION 26. [EFFECTIVE JULY 1, 2005] **(a) Notwithstanding**
 17 **the amendment of IC 33-33-15 by this act, the Dearborn superior**
 18 **court No. 2 is not established until January 1, 2006.**

19 **(b) The governor shall appoint a person under IC 3-13-6-1(c) to**
 20 **serve as the initial judge of the Dearborn superior court No. 2**
 21 **established by IC 33-33-15-2, as amended by this act, before**
 22 **January 1, 2006.**

23 **(c) The term of the initial judge appointed under subsection (b)**
 24 **begins January 1, 2006, and ends December 31, 2006.**

25 **(d) The initial election of the judge of the Dearborn superior**
 26 **court No. 2 is the general election on November 7, 2006. The term**
 27 **of the initially elected judge begins January 1, 2007.**

28 **(e) This SECTION expires January 2, 2007.**

29 SECTION 27. [EFFECTIVE JULY 1, 2005] **(a) Notwithstanding**
 30 **the amendment of IC 33-33-17 by this act, the DeKalb superior**
 31 **court No. 2 is not established until January 1, 2006.**

32 **(b) The governor shall appoint a person under IC 3-13-6-1(c) to**
 33 **serve as the initial judge of the DeKalb superior court No. 2 added**
 34 **by IC 33-33-17-2, as amended by this act.**

35 **(c) The term of the initial judge appointed under subsection (b)**
 36 **begins January 1, 2006, and ends December 31, 2006.**

37 **(d) The initial election of the judge of the DeKalb superior court**
 38 **No. 2 is the general election on November 7, 2006. The term of the**

1 initially elected judge begins January 1, 2007.

2 (e) Notwithstanding the repeal of IC 33-33-17-5 by this act, the
3 part-time small claims referee appointed under IC 33-33-17-5 shall
4 continue to assist the DeKalb superior court in the exercise of its
5 small claims jurisdiction until December 31, 2005.

6 (f) This SECTION expires January 2, 2008.

7 SECTION 28. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding
8 IC 33-33-29-2, as amended by this act, the Hamilton superior court
9 No. 6 is not established until January 1, 2007.

10 (b) Notwithstanding IC 33-33-29-8, as amended by this act, the
11 Hamilton superior court No. 6 does not have a standard small
12 claims and misdemeanor division until January 1, 2007.

13 (c) The initial election of the judge of the Hamilton superior
14 court No. 6 established in IC 33-33-29-2, as amended by this act, is
15 the general election on November 7, 2006. The term of the initially
16 elected judge begins January 1, 2007.

17 (d) This SECTION expires January 2, 2007.

18 SECTION 29. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding
19 IC 33-33-32-2 and IC 33-33-32-5, both as amended by this act, the:

20 (1) Hendricks superior court No. 4; and

21 (2) Hendricks superior court No. 5;

22 as added by this act, are not established until January 1, 2007.

23 (b) The initial election of the judges of the:

24 (1) Hendricks superior court No. 4; and

25 (2) Hendricks superior court No. 5;

26 added by IC 33-33-32-2, as amended by this act, is the general
27 election on November 7, 2006. The terms of the two (2) judges
28 initially elected under this subsection begin January 1, 2007.

29 (c) This SECTION expires January 2, 2007.

30 SECTION 30. [EFFECTIVE JULY 1, 2005] (a) The judges of the:

31 (1) Hendricks superior court No. 1;

32 (2) Hendricks superior court No. 2;

33 (3) Hendricks superior court No. 3; and

34 (4) Hendricks circuit court;

35 may jointly appoint one (1) full-time magistrate under IC 33-23-5
36 to serve the courts.

37 (b) A magistrate appointed under this SECTION continues in
38 office until:

1 (1) removed by the judges of the courts; or

2 (2) January 1, 2007;

3 **whichever occurs first.**

4 **(c) This SECTION expires January 2, 2007.**

5 SECTION 31. [EFFECTIVE JULY 1, 2005] (a) **Notwithstanding**
6 **IC 33-33-34-3, as amended by this act, the Howard superior court**
7 **is not expanded to four (4) courts until January 6, 2006.**

8 **(b) The governor shall appoint a person under IC 3-13-6-1(c) to**
9 **serve as the initial judge of the Howard superior court No. 4**
10 **established by IC 33-33-34-3, as amended by this act.**

11 **(c) The term of the initial judge appointed under subsection (b)**
12 **begins January 6, 2006, and ends December 31, 2006.**

13 **(d) The initial election of the judge of the Howard superior court**
14 **No. 4, established by IC 33-33-34-3, as amended by this act, is the**
15 **general election on November 7, 2006. The term of the initially**
16 **elected judge begins January 1, 2007.**

17 **(e) The terms of the judges of Howard superior court No. 1,**
18 **Howard superior court No. 2, and Howard superior court No. 3 are**
19 **not affected by the amendment of IC 33-33-34-3 or IC 33-33-34-6**
20 **by this act, or by the repeal of IC 33-33-34-4 or 33-33-34.3 by this**
21 **act.**

22 **(f) This SECTION expires January 2, 2007."**

23 Page 2, line 18, delete "33-33-54-5," and insert "33-33-54-6,".

24 Page 2, after line 38, begin a new paragraph and insert:

25 "SECTION 33. [EFFECTIVE JULY 1, 2005] (a) **Notwithstanding**
26 **IC 33-33-84-3, as amended by this act, the Vigo superior court is**
27 **not expanded to five (5) judges until January 1, 2006.**

28 **(b) The governor shall appoint a person under IC 3-13-6-1(c) to**
29 **serve as the initial judge added to the Vigo superior court by**
30 **IC 33-33-84-3, as amended by this act.**

31 **(c) The term of the initial judge appointed under subsection (b)**
32 **begins January 1, 2006, and ends December 31, 2006.**

33 **(d) The initial election of the judge of the Vigo superior court**
34 **added by IC 33-33-84-3, as amended by this act, is the general**
35 **election in November 2006. The term of the initially elected judge**
36 **begins January 1, 2007.**

37 **(e) This SECTION expires January 2, 2007."**

38 Renumber all SECTIONS consecutively.

(Reference is to HB 1141 as printed January 28, 2005.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

Bray

Chairperson